

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOCUMENT
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DATE FILED SEP 17 2007

UNITED STATES OF AMERICA

:

INDICTMENT

- v. -

:

S1 07 Cr. 609 (JSR)

MENTOR DAIJA,

:

Defendant.

COUNT ONE

The Grand Jury charges:

1. In or about May 2007, in the Southern District of New York and elsewhere, MENTOR DAIJA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MENTOR DAIJA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute, and possess with intent to distribute, a controlled substance, to wit, marihuana, in violation of Title 21, United States Code, Sections 812, 841(a) and 841(b)(1)(D).

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about May 4, 2007, MENTOR DAIJA, the

defendant, possessed in excess of 26 kilograms of marihuana in the apartment in which he lived in the Bronx.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about May 4, 2007, in the Southern District of New York and elsewhere, MENTOR DAIJA, the defendant, unlawfully, intentionally, and knowingly did possess with intent to distribute a controlled substance, to wit, marihuana, in violation of Title 21, United States Code, Sections 812, 841(a) and 841(b) (1) (D) .

(Title 21, United States Code,
Sections 812, 841(a) and 841(b) (1) (D);
Title 18, United States Code, Section 2.)

COUNT THREE

5. On or about May 4, 2007, in the Southern District of New York, MENTOR DAIJA, the defendant, unlawfully, willfully and knowingly used and carried a firearm during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the crimes charged in Counts One and Two, and possessed a firearm in furtherance of said crimes, during which the firearm was brandished and discharged.

(Title 18, United States Code,
Sections 924(c) (1) (A) (i), (ii) and (iii).)

COUNT FOUR

6. On or about May 4, 2007, in the Southern District of New York, MENTOR DAIJA, the defendant, unlawfully, willfully, and knowingly used and carried a firearm during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the crimes charged in Counts One and Two, and possessed a firearm in furtherance of said crimes, and in the course of those crimes, caused the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111, to wit, DAIJA shot and killed a person who had attempted to steal marihuana from DAIJA, which DAIJA and his co-conspirators possessed with the intent to distribute.

(Title 18, United States Code, Sections 924(j)(1) and 2.)

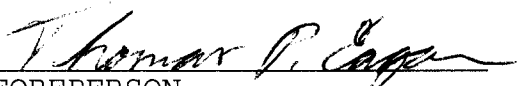
COUNT FIVE

The Grand Jury further charges:

7. On or about May 4, 2007, in the Southern District of New York and elsewhere, MENTOR DAIJA, the defendant, being an alien, and unlawfully in the United States, unlawfully, willfully, and knowingly did possess in and affecting commerce, a firearm, to wit, a Browning .9 millimeter semi-automatic handgun,

which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Sections 922(g)(5) and 2.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

S1 04 Cr. 609 (JSR)

(18 U.S.C. §§ 922, 924(c), 924(j), 2; 21
U.S.C. §§ 812, 841(b)(1)(D), 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Foreperson.

Thomas P. Egan

Indictment filed

F. Maas, USMJ

10/17/07

*PC
9/17/07*